

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

STEPHEN McCULLOM, <i>et al.</i> ,	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	
	§	CIVIL ACTION NO. 3:12-CV-02037
BRAD LIVINGSTON, <i>et al.</i> ,	§	
<i>Defendants.</i>	§	

**DEFENDANTS' UNOPPOSED MOTION FOR
EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S MOTION TO COMPEL**

Defendants' were served with a motion to compel on March 8, 2013. Defendants' response to the motion is due on March 29, 2013. For the following reasons, Defendants' now seek an extension of seven days to file their response to Plaintiff's motion.

Defendants' received Plaintiff's motion to compel on March 8, 2013. On March 11, Defendant's counsel was assigned to a second chair, a jury trial, in Houston, Texas on March 25, 2013. Undersigned counsel immediately began preparing for trial in the newly assigned matter and was out of the office for several days attending witness meetings and a mediation. As a result Defendants' ¹ counsel has been unable to respond to Plaintiff's Motion by the deadline.

In addition, counsel was preparing for and defending depositions in this lawsuit on March 26 and 27th and attending mediation on March 28th. Friday, March 29, 2013, is a holiday for the State of Texas and the agency will only be partially staffed until 12:00 noon when the office will close for the weekend.

As a result of the newly assigned jury trial and the previously scheduled matters in this case, undersigned counsel has been unable to prepare and file an appropriate response by the deadline.

¹ In addition, counsel was unavailable and out of the office on March 14 and 15th.

Plaintiff's are unopposed to the granting of this motion and will not be prejudiced by this short extension as they are unopposed. Defendants' are not seeking to delay the proceedings and only seek a short seven-day extension of time, or until Friday, April 5, 2013, to file his response.

Respectfully submitted,

GREG ABBOTT
Attorney General of Texas

DANIEL T. HODGE
First Assistant Attorney General

DAVID C. MATTAX
Deputy Attorney General for Defense Litigation

KAREN D. MATLOCK
Assistant Attorney General
Chief, Law Enforcement Defense Division

/S/Bruce R. Garcia
BRUCE R. GARCIA
Assistant Attorney General
Attorney in Charge
State Bar No. 07631060

P.O. Box 12548, Capitol Station
Austin, Texas 78711
(512) 463-2080 / Fax (512) 495-9139

ATTORNEYS FOR DEFENDANTS
TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, BRAD LIVINGSTON AND
JEFF PRINGLE

CERTIFICATE OF CONFERENCE

I spoke with Scott Medlock and he is unopposed to the granting of this motion.

/S/Bruce R. Garcia
BRUCE R. GARCIA
Assistant Attorney General

NOTICE OF ELECTRONIC FILING

I, **BRUCE R. GARCIA**, Assistant General of Texas, do hereby certify that I have electronically submitted for filing, a true and correct copy of the above in accordance with the Electronic Case Files System of the Northern District of Texas, on this the 28th day of March, 2013.

/S/ Bruce R. Garcia
BRUCE R. GARCIA
Assistant Attorney General

CERTIFICATE OF SERVICE

On March 28, 2013, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal rule of Civil Procedure 5 (b)(2).

/S/ Bruce R. Garcia
BRUCE R. GARCIA
Assistant Attorney General